

# **Attachment No. PC 1**

Draft Resolution of Approval



**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH APPROVING THE FINAL ARCHITECTURAL AND LANDSCAPING PLANS FOR THE MARINER'S POINTE PROJECT LOCATED AT 100-300 WEST COAST HIGHWAY AND FINDING CHANGES IN DESIGN TO BE IN SUBSTANTIAL CONFORMANCE WITH THE DESIGN APPROVED BY SITE DEVELOPMENT REVIEW SR2010-001 AND USE PERMIT NO. UP2010-024 (PA2010-114)**

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

**SECTION 1. STATEMENT OF FACTS.**

1. On August 9, 2011, the City Council adopted Resolution No. 2011-86 approving the Mariner's Pointe project, a 19,905-square-foot commercial building and a three-level parking structure on a 0.76-acre site located 100-300 West Coast Highway, and legally described as Lots 1, 2, 3, 4, 5, and 6 of Tract No. 1210; and
2. In compliance with Condition No. 4 of City Council Resolution No. 2011-86, the applicant, VBAS Corporation, has submitted final architectural plans for review and approval by the Planning Commission; and
3. In compliance with Condition No. 20 of City Council Resolution No. 2011-86, the applicant has submitted final landscaping plans for review and approval by the Planning Commission; and
4. The applicant has proposed revisions to the approved conceptual building design, which include minor increases in height to various tower elements of the parking structure and the addition and expansion of rooftop mechanical equipment enclosures; and
5. A public meeting was held by the Planning Commission on June 7, 2012, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting; and

**SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.**

1. A Mitigated Negative Declaration (SCH No. No. 2011041038) was prepared for the project in accordance with the implementing guidelines of the California Environmental Quality Act (CEQA). The document was made available for public review and comment during a 30-day review period beginning on April 11, 2011, and ending on May 11, 2011, and subsequently approved by the City Council on August 9, 2011. A subsequent mitigated negative declaration for the project is not required to be prepared pursuant to CEQA Guidelines Section 15162 because the proposed

revisions to project design are minor and do not constitute “substantial changes” to the project that would involve new significant environmental effects or result in additional mitigation measures.

### SECTION 3. REQUIRED FINDINGS.

1. Pursuant to Condition of Approval No. 4, the Planning Commission must find that the final architectural plans incorporate the architectural elements and high level of detail that were illustrated in the approved conceptual plans. The following facts in support of such finding are set forth:

#### Facts in Support of Finding:

- A. Although minor adjustments have been made to the building elevations, the proposed final plans implement the principal architectural elements and high level of detail that was illustrated in the approved conceptual plans, including the balconies, tower features, awnings, ornamental windows and railings, cornices and moldings, stone veneer, ornamental lighting fixtures, and variation in building elevations.
- B. To reduce the overall mass of the building and to enhance its visual quality, the design utilizes several vertical and horizontal offsets, includes variation in height through the use of entry and corner tower elements, and utilizes multiple materials and colors.
- C. Additional architectural enhancements have also been added; for example, the openings within the main tower element of the parking structure have been covered with decorative metal screen that will conceal vehicles accessing the parking structure ramps and interior lighting. It also provides an additional layer to the wall plane with accent lighting to increase visual interest.
- D. The final plans also maintain the clean roof design with all mechanical equipment screened from view within equipment enclosures to enhance the aesthetics of the roof as viewed by the residences above. The flat portions of the roof are proposed to be constructed with materials that meet required “cool roofs” standards for energy efficiency, but will be tan in color to reduce glare.
- E. The lighting plans illustrate that all exterior lighting fixtures have been designed, shielded, aimed, or located to shield adjacent properties and to avoid excessive light and glare inconsistent with the project conditions of approval and the outdoor lighting standards of the Zoning Code. The cupola and tower feature located at the southeasterly corner of the building includes accent lighting around its perimeter; however, lighting has been eliminated from the interior and rear of the feature to avoid unnecessary lighting that could impact the residences above.

2. Pursuant to Condition of Approval No. 20, the Planning Commission must find that the final landscaping plans implement the landscaping improvements that were illustrated in the approved conceptual plans. The following facts in support of such finding are set forth:

Facts in Support of Finding:

- A. The approved conceptual landscape plan included extensive decorative paving, a 280-square-foot water feature, and approximately 3,700 square feet of planter area that included a variety of plant materials. Minor revisions have been made to the final landscaping plan, including revised placement of palm trees, increased decorative paving in front of Suite R-104, and an enlarged water feature. Planter area has been reduced to approximately 2,460 square feet due to increased decorative paving and an enlarged water feature area of 598 square feet.
  - B. The plan continues to implement the landscape requirements of the Mariner's Mile Strategic Vision and Design Framework by providing the minimum four-foot-wide planter area with continuous hedge and palms. Despite the reduction in planter area, the plans maintain a variation of ornamental groundcover, vines, shrubs, and trees to help soften and buffer the massing of the parking structure and commercial building from the surrounding areas and roadways
3. Upon completing the structural drawings for the project, a number of revisions needed to be made to the approved conceptual building. Pursuant to Condition of Approval No. 1, the project design changes shall be in substantial conformance with the approved conceptual plans and pursuant to Condition of Approval No. 4, the Planning Commission may approve changes. The following facts in support of such finding are set forth:

Facts in Support of Finding:

- A. The increased height for the three parking structure tower elements continue to comply with the maximum 35-foot height limit for flat roofs and 40-foot height limit for sloping roofs that was approved under Site Development Review No. SR2010-001. These features within the context of the overall design will provide visual interest as vertical elements that help break up the project massing.
- B. The changes in the design of the roof-mounted mechanical equipment screening enclosures are necessary to accommodate the installation of current and future mechanical equipment, including silencers to minimize noise and pollution control units to control odors. Since the equipment will not be under a solid roof, a noise assessment was prepared for the project by Mestre Greve Associates. In addition to the mechanical equipment system, the noise assessment analyzed the cumulative noise that may be generated from the project including the parking structure activity and outdoor dining activity. The results of the assessment verified that with the specific mechanical equipment with silencers, the noise generated will be in compliance with the City's noise standards (NBMC Section 10.26).

- C. To address the loss of the seven on-site parking spaces, when use permit applications are submitted for the future restaurant uses, they will be reviewed to ensure adequate parking is provided based on the proposed net public area.

SECTION 4. DECISION.

**NOW, THEREFORE, BE IT RESOLVED:**

1. Consistent with Condition Nos. 4 and 20 of City Council Resolution No. 2011-86, the Planning Commission of the City of Newport Beach hereby approves the final architectural and landscaping plans for the Mariner's Pointe project.
2. The Planning Commission finds the proposed revisions to the project design are in substantial conformance with the project approved by Site Development Review No. SR2010-001 and Use Permit No. UP2010-024.
3. This action shall become final and effective fourteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

**PASSED, APPROVED AND ADOPTED THIS 7TH DAY OF JUNE, 2012.**

AYES:

NOES:

BY: \_\_\_\_\_  
Micheal Toerge, Chairman

BY: \_\_\_\_\_  
Fred Ameri, Secretary